

### **REMARKS**

A first Office Action was mailed on December 7, 2004. Claims 1 – 9 are currently pending in the application. With this response, Applicants cancel claims 7 and 8 without prejudice or disclaimer, and amend claims 1 – 6 and 9. No new matter is introduced.

### **INFORMATION DISCLOSURE STATEMENT**

An Information Disclosure Statement (IDS) was mailed on September 16, 2003, disclosing several Japanese patent applications Applicants believe may be important for the Examiner to consider before issuing the present application as a patent. As the U.S. Patent & Trademark Office (USPTO) Patent Application Information Retrieval (PAIR) system as of January 31, 2005 does not indicate receipt of this IDS, Applicants enclose a copy of the IDS and the associated Japanese patent applications, and respectfully request that the IDS be considered.

### **PRIORITY CLAIM**

In response to a Notice to File Missing Parts mailed on August 1, 2001, Applicants submitted a Declaration mailed October 30, 2001, inter alia claiming priority from Japanese Patent Application Nos. 2000-153227 and 2001-151501, and including certified copies of the priority documents. As no acknowledgement as to the priority claim and receipt of certified priority documents is made in the present Office Action, Applicants respectfully request that such acknowledgement be provided in the next Office Communication.

## REJECTION UNDER 35 U.S.C. § 102

Claims 1 – 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,937,391 to Ikeda et al. Applicants cancel claims 7 and 8 without prejudice or disclaimer, amend claims 1 – 6 and 9, and respectfully traverse this rejection. Claim 6 is essentially amended to include the limitations of canceled claims 7 and 8.

Independent claims 1, 3, 4 and 6 disclose a method and apparatus and program means for applying incentive points received on-line to a service. In independent claim 1, for example, Applicants disclose:

1. A server apparatus for applying one or more incentive points by which a service can be received in response to an amount of said points ~~point~~ to be used in a Web site, comprising:

network means for connecting a first apparatus and a second apparatus, said first apparatus being related to a person who shares cost required to provide the service, and said second apparatus being related to a person who applies said points;

applicable point number storage means for calculating an applicable point number based upon a point number responding to the cost shared by the person related to the first apparatus which is notified from said first apparatus, and also an applied point number, and for storing therein the calculated applicable point number;

advertisement storage means for storing therein information used to display an advertisement with respect to the person concerning said first apparatus;

display point determining means for determining a point number to be displayed on said advertisement within said applicable point number in accordance with a predetermined rule;

web server means for producing a web page which displays said the advertisement with respect to the person concerning said first apparatus, to which the determined point number has been applied under a selectable condition, and for displaying the produced web page on said second apparatus; and

applied point managing means for storing therein said displayed point number applied to said advertisement and an identifier for said second apparatus in relation to each other when the selection of said advertisement is accepted from said second apparatus.

Ikeda discloses a point-service system for use in an on-line shopping mall (see, e.g., abstract of Ikeda). According to the system of Ikeda, if a customer making a purchase at one shop in the mall has a point deficit that can be compensated by points accumulated at another shop, the points may be transferred from the other shop (see, e.g., column 11, line 24 – column 12, line 20 of Ikeda). Points accumulations are tracked for each customer and store by a single point-service system (see, e.g., FIG.4 of Ikeda), and are redeemable at the same rate among all shops. Point accumulations at each shop may be displayed to the customer on a web page of the mall (see, e.g., column 6, lines 29 – 40 of Ikeda).

Thus, in the system disclosed by Ikeda, points are earned by purchases made at one or more shops at the mall, and may be redeemed with additional purchases made at one or more shops in the mall. In Applicants' invention as disclosed in independent claim 1, a server apparatus provides means for storing and displaying an advertisement of a person who shares the cost of providing an associated service, including a point number based on an applicable number for the person who shares the cost of providing an associated service and an applicable point number (for example, offered by "degree" based on specific customer characteristics). In sharp contrast to the system of Ikeda, Applicants' server operates to store the displayed point number in association with a customer identifier (i.e., earning the displayed points) upon selection of the advertisement by the customer. In other words, unlike the system of Ikeda that requires a customer make purchases in order to earn points, Applicants claimed enables the customer is to earn points by simply selecting and viewing advertising provided by a cost-sharing advertiser. Accordingly, Applicants invention provides the advantage of an additional funding source (advertisers) to contribute to the costs of providing a customer service (e.g., discounted sales prices).

Accordingly, Applicants respectfully submit that independent claim 1 is not anticipated by Ikeda for the above-argued reasons, and that independent claim 1 is therefore allowable. Applicants essentially re-apply these arguments to independent claims 3, 4 and 6, and submit that claims 3, 4 and 6 are therefore also allowable. As dependent claims 2, 5, and 9 respectively depend from allowable claims 1, 4 and 6, Applicant further submits that dependent claims 2, 5 and 9 are also allowable for at least this reason.

### CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 – 6 and 9, including independent claims 1, 3, 4 and 6, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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